

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF NEW YORK

PROBATION OFFICE

MATTHEW L. BROWN
CHIEF PROBATION OFFICER

James M. Hanley Federal Building
100 South Clinton Street, Room 101
Syracuse, New York 13261-7035
(315) 234-8700
Fax (315) 234-8701

UNITED STATES OF AMERICA

-v-

DECLARATION

Docket# 5:12-00354M-1

MICHAEL LOMBARDO

1611 Carroll St.
Rome, NY 13440

Honorable Andrew T. Baxter, U.S. Magistrate Judge
NORTHERN DISTRICT OF NEW YORK

Rebecca Doyle declares that she is a United States Probation Officer and that:

The above-noted defendant was arrested on July 20, 2012 and detained until July 25, 2012, at which time he was released to pretrial supervision with conditions. The defendant is charged with Count 1) Persuade, Induce, Entice, or Coerce a person under the age of eighteen to engage in sexually explicit conduct, for the purpose of producing visual depictions of such conduct knowing that it would travel in interstate commerce, Count 2) Received child pornography that traveled through interstate commerce, Count 3) Production of child pornography that traveled in interstate commerce, and Count 4) Received child pornography through interstate commerce. His conditions of release include a curfew with electronic monitoring and the standard sex offender conditions, including: The defendant shall not frequent places where persons under the age of 18 are likely to congregate, unless it is approved by Pretrial Services or the Court.

On April 26, 2013, this officer reviewed the website for BI Inc. (the electronic monitoring provider) including the events and mapping features from April 25, 2013 for the defendant. The mapping feature indicated the defendant traveled to Syracuse, NY and appeared that he was at the Rosamond Gifford Zoo at Burnet Park between 12:30pm. and 2:00pm. This officer called the defendant on April 26, 2013 after reviewing the BI website and asked where he had gone on April 25, 2013. He stated that he and his girlfriend went to the zoo in Syracuse. This officer reminded the defendant of his condition not to frequent places where persons under 18 years of age are likely to congregate without permission, and he was advised the zoo is one of those places. The defendant stated he went to the zoo during the day thinking children would not be there because they would be in school. He also stated he didn't realize he had to ask permission to go there.

U.S. Probation Office recommends a summons be issued for Lombardo to appear before the Court to address his noncompliance with pretrial conditions.

Michael Lombardo
Docket# 5:12-00354M-1

Condition Number

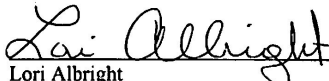
Nature of Noncompliance


special condition 3

The defendant shall not frequent places where persons under the age of 18 are likely to congregate. This shall include, but is not limited to, schools, parks, arcades, unless it is approved by Pretrial Services or the Court.

On April 25, 2013, the defendant went to the Rosamond Gifford Zoo at Burnet Park in Syracuse, NY. This is, considered a place where persons under the age of 18 are likely to congregate, and Lombardo did not seek permission to go there.

In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.


Lori Albright
Supervising U.S. Probation Officer


Rebecca L. Doyle
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
☒ The Issuance of a Summons
☐ Other
☐ The Issuance of a Warrant. This petition and all documents attached hereto are SEALED until such time as the warrant generated by this petition is returned executed.

The District Court Clerk's Office is hereby **ORDERED NOT** to serve a copy of this petition or any of the attached documents upon anyone EXCEPT that a copy is to be served upon law enforcement personnel. Copies shall be served upon the unsealing of the petition.

DATE: April 29, 2013


Hon. Andrew T. Baxter
U.S. Magistrate Judge

cc: Tamara Thomson, AUSA
Donald T. Kinsella, Esq.